

ORIGINAL

BEFORE THE ARIZONA CORPORATION COMMISSION

Arizona Corporation Commission

COMMISSIONERS

KRISTIN K. MAYES, Chairman
GARY PIERCE
PAUL NEWMAN
SANDRA D. KENNEDY
BOB STUMP

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ARIZONA CORPORATION COMMISSION
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In the matter of:

Trademark Capital Management, LLC, an
Arizona limited liability company;

Blue Investments, LLC, an Arizona limited
liability company;

Travis Richey and Melissa Boyd, Husband and
Wife;

Respondents.

DOCKET NO. S-20603A-08-0370

**SUPPLEMENTAL MOTION RE:
SECURITIES DIVISION'S MOTION TO
ALLOW TELEPHONIC TESTIMONY**

**Hearing Dates: February 2, 5, 9, 10, & 11,
2009**

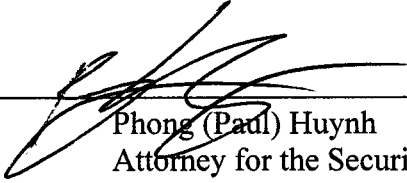
(Assigned to the Hon. Marc E. Stern)

The Securities Division ("Division") of the Arizona Corporation Commission hereby moves to supplement the Division's motion to allow telephonic testimony filed December 30, 2008 DOCKET NO. S-20603A-08-0370 to allow the Division's witnesses Jerry and Janine Radke ("Mr. and Mrs. Radke") to provide telephonic testimony. Mr. and Mrs. Radke were disclosed on January 9, 2009 to Respondents as potential witnesses that may be called by the Division in the Division's List of Witnesses. Mr. and Mrs. Radke currently reside in North Dakota. They will offer relevant testimony supporting the Division's allegations. Their testimony is anticipated to be neither complex nor lengthy. They will be asked questions regarding approximately three (3) Division exhibits, already provided and disclosed to Respondents. Under the circumstances, the cost of providing transportation and lodging for both witnesses to make personal appearances in Phoenix is impractical and unnecessary. Telephonic testimony is common, efficient and provides the

1 parties full and fair opportunity for questioning, whether by direct or cross-examination. For these
2 reasons, and for others addressed in the Division's motion to allow telephonic testimony and
3 Memorandum of Points and Authorities filed December 30, 2008, the Division respectfully
4 requests that its Supplemental Motion to Allow Telephonic Testimony should be granted.

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6 Respectfully submitted this 20th day of January, 2009.

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8 By _____


Phong (Paul) Huynh
Attorney for the Securities Division of the
Arizona Corporation Commission

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12 ORIGINAL AND THIRTEEN (13) COPIES of the foregoing
filed this 20th day of January, 2009, with

13 Docket Control
14 Arizona Corporation Commission
1200 West Washington
15 Phoenix, AZ 85007

16 COPY of the foregoing hand-delivered this
20th day of January, 2009, to:

17 ALJ Marc Stern
18 Arizona Corporation Commission/Hearing Division
1200 West Washington
19 Phoenix, AZ 85007

20 COPY of the foregoing mailed
this 20th day of January, 2009, to:

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25 By: Veronica Sandoval